

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

THE HIPSAVER COMPANY, INC.,

Plaintiff,

V

J.T. POSEY COMPANY,

Defendant.

Civil Action No. 05-10917 PBS

HIPSAVER'S STATEMENT TO THE COURT REGARDING FEES AND EXPENSES

In response to the Court’s request and consistent with today’s filing of The HipSaver Company, Inc.’s (“HipSaver”) Response to the Declaration of Douglas H. Morseburg Regarding Fees And Expenses [D.N. 326], HipSaver states that J.T. Posey Company (“Posey”) can claim fees and expenses of \$70,315.89 pursuant to the Court’s Order of July 19, 2007 [D.N. 312]. HipSaver has calculated this amount based on Posey’s claimed fees and expenses, but this amount is still an extreme sanction under the circumstances given HipSaver’s good faith actions and the fact that its error was inadvertent.

Respectfully submitted
The HipSaver Company, Inc.
By its Attorneys,

/s/ Paul S. Kitcin

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CERTIFICATE OF SERVICE

I certify that this document has been filed through the Electronic Case Filing System of the United States District Court for the District of Massachusetts and will be served electronically by the court to the Registered Participants identified in the Notice of Electronic filing.

/s/ Paul S. Kitchen _____
Paul S. Kitchen